

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Kuo Chun Chen v Wayne State University**
Docket No. **278333**
L.C. No. **97-016809-CM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed May 30, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the May 3, 2007 order denying plaintiff's motion for reconsideration as required by MCR 7.204(A)(1)(b). There was nothing improper about the order of May 3, 2007. In light of the fact that the April 13, 2007 order denied a motion that had not been filed, it was the order of May 3, 2007, that started the appeal period. Pursuant to MCR 7.208(C)(1) the trial court lacked the authority to enter any order that would extend the time period to file the claim of appeal. Therefore, the order of May 8, 2007, which simply added meaningless language to the order of May 3, 2007, could not have given appellant an additional 5 days to file the claim of appeal. Any appeal by the appellant must be by application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 30 2007

Date

Sandra Schultz Mengel
Chief Clerk